

Rejoinder

Claim 1 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(B), claim 24, directed to the process of making or using an allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142 have been rejoined, **the restriction requirement as set forth in the Office action mailed on August 21, 2009 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Reasons for Allowance

1. The following is an Examiner's statement of reasons for allowance: **Claims 1-6, 8-24, and 28-30** are allowed.

The terminal disclaimer filed on 06/30/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent Nos. 7,339,732 and 7,064,894 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Art Unit: 1794

The art of record does not teach or render obvious a light diffusing sheet having the limitations of Claim 1, particularly with respect to the size distribution of light diffusing particles having the claimed median size range.

The closest prior art discussed in the Office Action mailed on 10/17/2008 is Ludwig (EP 0561551) in view of Kiumura (6,602,596).

Ludwig in view of Kimura teach a light diffusing sheet comprising particles within the size range as claimed by Applicant.

However, neither specifically discloses that the median particle size of the spherical particles (B) are greater by at least 5 micrometers than the median particle size of the spherical scattering particles (A) as now required by independent Claim 1, and it would not be obvious to the skilled artisan to modify the diffuser sheet of Ludwig in view of Kimura to include particles with such a specifically claimed size distribution.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to APRIL C. INYARD whose telephone number is (571) 270-1245. The examiner can normally be reached on Monday - Thursday 8:00 AM - 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on (571) 272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David R. Sample/
Supervisory Patent Examiner, Art Unit 1794

APRIL C INYARD /A. C. I./
Examiner, Art Unit 1794